

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MAR 23 2010

RODULFO L. RIVERA, M.D.

Plaintiff,

vs.

ROBERTA M. KALAFUT, D.O., In Her
Individual Capacity Only; et al,

Defendants.

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DAVID J. MALAND, CLERK
BY
DEPUTY _____

Case No. 4:09cv181

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

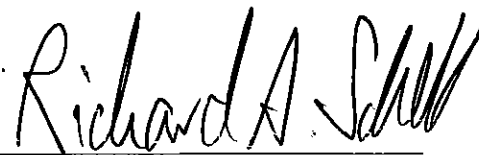
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On February 17, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants Aaron Segal, M.D. and Irwin Segal M.D.'s Motion to Dismiss (Dkt. 45) should be GRANTED and that Defendants Irwin Segal, M.D. and Aaron Segal, M.D.'s Motion for Sanctions Pursuant to Federal Rule of Civil Procedure 11 (Dkt. 97) should be DENIED.

The court, having made a *de novo* review of the objections raised by Plaintiff, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of Plaintiff are without merit. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court. Defendants Aaron Segal, M.D. and

Irwin Segal M.D.'s Motion to Dismiss (Dkt. 45) is GRANTED, and Defendants Irwin Segal, M.D. and Aaron Segal, M.D.'s Motion for Sanctions Pursuant to Federal Rule of Civil Procedure 11 (Dkt. 97) is DENIED.

IT IS SO ORDERED.

SIGNED this 22nd day of March, 2010.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE